

REMARKS

This application has been reviewed in light of the Office Action dated May 10, 2007. Claims 1 and 3-13 are pending. Favorable reconsideration is requested.

Claims 1 and 3-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0166224 ("Ficco").

In the preceding response, Applicants submitted an affidavit under 37 C.F.R. § 1.131 to antedate Ficco. The Examiner has taken the position that this previously-filed affidavit is insufficient, because, among other things, it does not adequately show a reduction to practice and does not show conception of all of the claimed features of the invention.

Upon further investigation, it has been determined that the presentation screenshots submitted as evidence with the previously-filed affidavit should have been offered as evidence of conception rather than as evidence of reduction to practice. Accordingly, rather than revisiting the previously-filed affidavit, Applicants have decided to submit herewith a further Declaration under 37 C.F.R. § 1.131 which relies on different evidence. Specifically, this new affidavit establishes conception prior to the effective date of Ficco, March 23, 2000, coupled with due diligence to a constructive reduction to practice in the form of the filed application on April 7, 2000. The affidavit therefore is considered to obviate all of the issues raised by the Examiner.

The affidavit submitted herewith is considered to be sufficient to antedate Ficco, and accordingly, withdrawal of the rejections based on Ficco is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Application No. 09/545,015
Amendment dated October 31, 2007
After Final Office Action of May 10, 2007

Docket No.: 2000522.00122US1

Respectfully submitted,

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